



# *Arizona Peace Officer Standards and Training Board*

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## **MINUTES OF THE JANUARY 16, 2019 MEETING OF THE ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD PHOENIX, ARIZONA**

A public meeting of the Arizona Peace Officer Standards and Training Board was convened on January 16, 2019, at the Arizona Peace Officer Standards and Training Board, located at 2643 E. University Drive, Phoenix, AZ.

### Members Present:

Sheriff Scott Mascher, Yavapai County Sheriff's Office, Chairman  
Assistant Attorney General Paul Ahler, representing Attorney General Mark Brnovich  
Ms. Jamie Kelly, Public Member  
Mr. Andrew LeFevre, Grand Canyon University  
Officer Matthew Medina, Prescott Police Department  
Colonel Frank Milstead, AZ Department of Public Safety  
Chief Alan Rodbell, Scottsdale Police Department  
Director Charles Ryan, AZ Department of Corrections

### Members Absent:

Sheriff Mark Dannels, Cochise County Sheriff's Office  
Deputy Christopher Pittmann, Maricopa County Sheriff's Office  
Mr. Richard Wooten, Public Member

### Staff in Attendance:

Matt Giordano, Executive Director  
Billy Caldwell, Compliance Specialist  
Mike Deltenre, Compliance Specialist  
Marie Dryer, Program Administrator  
Steve Enteman, Training Supervisor  
Arlene Heckel, Compliance Specialist  
Steve Jacobs, Compliance Specialist  
Mike Orose, Compliance Specialist  
Mark Perkovich, Program Administrator  
Lynn Pirkle, Administrative Services Officer  
Cynthia Sawyer, Training Compliance Specialist  
Sandy Sierra, Administrative Services Officer  
Lori Wait, Compliance Specialist

### Assistant Attorneys General:

Seth Hargraves  
Mark Brachtl

**A. Call to Order**

Chairman Mascher called the meeting to order at 10:02 a.m. and asked Director Ryan to lead everyone in reciting the Pledge of Allegiance.

**B. Introductions, Presentations and Announcements**

*Matt Giordano, Executive Director*

- For the record, there are three board members absent today; Sheriff Mark Dannels, Deputy Christopher Pittmann and Mr. Richard Wooten. There are also two Board member vacancies (small agency police chief and jail administrator).
- New Board member Jamie Kelly was introduced; she will be filling one of the two public member positions on the Board. Jamie is the executive director of Not All Heroes, a non-profit organization in the valley.
- The five individuals from the Show Low Police Department that are on the training deficiency list have completed the required annual training; their names have been removed from the Consent Agenda.
- Barkley G. Perry withdrew his request to voluntarily relinquish his peace officer certification; his name has been removed from the Consent Agenda and will be added to a future agenda.

**C. Consent Agenda**

Mr. LeFevre made a motion to accept the Consent Agenda, as modified. The motion was seconded by Chief Rodbell and passed unanimously.

The following meeting minutes were approved as written:

1. Minutes of the Board meeting held on November 14, 2018; and  
Minutes of the Board meeting held on December 19, 2018.
2. Ministerial Actions:
  - a. Certification Waivers:

Leslie R. Stout	La Paz County Sheriff's Office
Romero A. Scott	Scottsdale Police Department
Fabio G. dos Santos	Tucson Police Department
Leigh Ann Schembre	Tucson Police Department
Sarah M. Widman	Tucson Police Department
Jeremy P. Michel	Tucson Police Department
David L. Dyer	Somerton Police Department
Shanna L. Clouse	Page Police Department
Bryann C. Watson	El Mirage Police Department

3. Consent Agreements for Voluntary Relinquishment of Peace Officer Certification. The following individual, without admitting to any misconduct, requests the Board accept her request to permanently relinquish her Arizona peace officer certification:

Dylan A. Green	18-149	Yavapai County Sheriff’s Office
Titus R. McDonald	18-165	ASU Police Department
Richard D. Braughton	17-024	GCU Police Department
Frank A. Greene	18-032	Tucson Police Department
John R. Carrillo	18-131	San Luis Police Department
Roger E. Felker	18-162	Hualapai Nation Police Department
Jason P. Baeza	18-080	Gila River Police Department
Omar Sanchez-Beltran	18-049	AZ Department of Public Safety
Michael D. Coomes	17-009	Gila River Police Department

4. Non-Aggravating DUI Case for consideration and/or action as No Action with Agency Discretion:

Devin R. Palacio	18-093	Pima County Sheriff’s Department
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**D. Executive Director’s Report**

*Matt Giordano, Executive Director*

- Had the privilege to attend the DPS trooper graduation on December 20, 2018. This was a great experience and would encourage everyone who can to attend an academy graduation.
- Attended the Pinal County Law Enforcement Association meeting in Florence last week.
- Working with DPS Human Resources to finalize the job posting for the Systems Administrator position. Hoping to advertise the position this week.
- Met with representatives from PoliceOne to explore on-line training capabilities for the state. Some local jurisdictions have already done this and we wanted to see how we could implement this statewide if we wanted to go in that direction. We are just looking for a better and more efficient way to connect with law enforcement across the state.
- The electric panels were replaced due to significant electrical issues. This process took almost a week and the server was taken down during the process. Special thanks to William Rodgers and Hop Bui for all their hard work and assistance.
- In conjunction with the Chandler Police Department, we will hold a Statewide Training Coordinator’s Meeting on January 29 at Chandler’s new Public Safety Training Center on Dobson Road.
- In conjunction with AZCOPS, hosted a blood drive at AZPOST on January 9 – Law Enforcement Appreciation Day. Special thanks to Marie Dryer for coordinating this.

**E. Legislative Update**

*Matt Giordano, Executive Director*

The legislative session kicked off this week. There are currently no bills that effect AZPOST, but will continue to monitor any bills that could have a possible impact.

**F. Summary of Current Events**

*Matt Giordano, Executive Director*

There is nothing new to report.

**G. Reports – Department of Corrections***Director Charles Ryan*

- Since the last regular meeting, 71 cadets have graduated from COTA. Currently there are four classes with 102 cadets in attendance. There are currently 1,150 vacancies statewide. Eleven cadets have graduated through county IGAs. The canine academy at COTA graduated a class last month.

**H. Review, Discussion and Possible Action on the Navajo Nation Department of Public Safety Peace Officer Academy**

In late 2017, the Navajo Division of Public Safety planned to open an academy and asked AZPOST staff to inspect their academy for certification. Before staff could do this, the Navajo Nation canceled the inspection. The Navajo Nation then hosted their own academy and graduated 12 individuals in 2018. AZPOST voiced several concerns regarding these individuals who are non-certified and working in a law enforcement capacity. The Navajo Nation was not planning to seek certification for their academy and for the 12 recent graduates or future graduates. They did agree to provide several documents that AZPOST requested.

Just recently Assistant Attorney General Seth Hargraves spoke with the Department of Justice attorney for the Navajo Nation and discussed AZPOST's concerns. It was determined that the Navajo Nation was looking at our statutes, but not looking at the administrative codes. Assistant Attorney General Hargraves prepared a very well worded document that outlines our concerns with them hosting their own academy that has not been approved by AZPOST. The lines of communication have now been opened and this is a positive first step. We are still waiting for documentation from Chief Francisco as far as the curriculum for the current academy and other issues regarding updated training compliance forms. Will continue to keep the Board updated on this matter.

**I. Review, Discussion and Possible Action on a Petition from the Colorado City Marshal's Office for a Restricted Peace Officer Certification for Chief Mark Askerlund**

Assistant Attorney General Seth Hargraves addressed the Board regarding the Colorado City Marshal's Office petition for the Board to grant a restricted peace officer certification for Chief Mark Askerlund; based upon temporary limitations. The restricted certification would be lifted once the Colorado City Marshal's Office notified the Board that Chief Askerlund met all requirements necessary for full authority certification.

Chief Rodbell made a motion to grant a restricted peace officer certification to Chief Mark Askerlund. This certification would restrict Chief Askerlund from being assigned any duty likely to result in the need to apply physical force, and further, that the need is so remote as to be highly unlikely, and is authorized only until Chief Askerlund has met all requirements necessary for full authority while employed with the Colorado City Marshal's Office. The motion was seconded by Colonel Milstead and passed unanimously.

**J. Final Action Cases:**

1. #17-161 – Dionysius A. Cazares – Marana Police Department  
The Board considered comments from Assistant Attorney General Seth Hargraves, who provided a brief overview of the case and the terms of the proposed consent agreement. Chief Rodbell made a motion to accept the Consent Agreement, Decision and Order for a 1-year suspension of Ms. Cazares' peace officer certification. The suspension shall be in effect from October 28, 2017 through October 28, 2018. The motion was seconded by Director Ryan and passed unanimously.
2. #18-099 – Samuel R. Madrid – AZ Department of Public Safety  
*Colonel Milstead recused himself from this case.* The Board considered comments from Assistant Attorney General Seth Hargraves, who provided a brief overview of the case and the terms of the proposed consent agreement. Officer Medina made a motion to accept the Consent Agreement, Decision and Order for a 6-month suspension of Mr. Madrid's peace officer certification. The suspension shall be in effect from June 15, 2018 through December 15, 2018. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.
3. #18-040 – Joseph A. Cole – Hualapai Nation Police Department  
The Board considered comments from Assistant Attorney General Seth Hargraves, who provided a brief overview of the case. Mr. Ahler (AAG) made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Cole's peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.
4. #18-087 – Howard K. Waldrep – Maricopa County Sheriff's Office  
The Board considered comments from Assistant Attorney General Seth Hargraves, who provided a brief overview of the case. Mr. LeFevre made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Waldrep's peace officer certification. The motion was seconded by Colonel Milstead and passed unanimously.
5. #17-151 – Justin T. Corvelo – Mesa Police Department  
*Ms. Kelly recused herself from this case.* The Board considered comments from Compliance Manager Mark Perkovich, who provided a brief overview of the case. Mr. Ahler (AAG) made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Corvelo's peace officer certification. The motion was seconded by Director Ryan and passed unanimously.
6. #18-100- Francisco R. Mendez – Goodyear Police Department  
The Board considered comments from Compliance Manager Mark Perkovich, who provided a brief overview of the case. Colonel Milstead made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Mendez's peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.
7. #18-102 – Ryan K. Fisher – Lake Havasu City Police Department  
The Board considered comments from Compliance Manager Mark Perkovich, who provided a brief overview of the case. Chief Rodbell made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Fisher's peace officer certification. The motion was seconded by Director Ryan and passed unanimously.

8. #18-104 – Craig A. Scott – Phoenix Police Department  
*Chief Rodbell recused himself from this case.* The Board considered comments from Compliance Manager Mark Perkovich, who provided a brief overview of the case. Colonel Milstead made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Scott's peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed unanimously.
9. #18-098 – Zechariah J. Stone – Sierra Vista Police Department  
The Board considered comments from Compliance Manager Mark Perkovich, who provided a brief overview of the case. Colonel Milstead made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Stone's peace officer certification. The motion was seconded by Director Ryan and passed unanimously.
10. #18-012 – Frederick D. Bitsoi – Navajo Division of Public Safety  
The Board considered comments from Compliance Manager Mark Perkovich, who provided a brief overview of the case. Chief Rodbell made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Bitsoi's peace officer certification. The motion was seconded by Colonel Milstead and passed unanimously.
11. #18-081 – Dean F. Hadley – Apache County Sheriff's Office  
The Board considered comments from Compliance Manager Mark Perkovich, who provided a brief overview of the case. Mr. Ahler (AAG) made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. Hadley's peace officer certification. The motion was seconded by Director Ryan and passed unanimously.
12. #18-094 – James P. McCall – Apache County Sheriff's Office  
The Board considered comments from Compliance Manager Mark Perkovich, who provided a brief overview of the case. Chief Rodbell made a motion to accept the Findings of Fact and Conclusions of Law and revoke Mr. McCall's peace officer certification. The motion was seconded by Colonel Milstead and passed unanimously.

**K. New Charging Cases:**

1. #16-127 – Gerard A. Sheridan – Maricopa County Sheriff's Office  
*Mr. LeFevre, Colonel Milstead and Chief Rodbell recused themselves from this case.* The case was tabled due to lack of a quorum.
2. #18-159 – Kohl W. Nixon – Cottonwood Police Department  
*Sheriff Masher recused himself from this case.* Chief Rodbell was acting Chairman. The Board considered comments from Compliance Specialist Mike Deltenre, who provided a brief overview of the case. Colonel Milstead made a motion to close this case with **No Action with Agency Discretion**. The motion failed due to lack of a second. Officer Medina made a motion to **Initiate Proceedings** against Mr. Nixon's peace officer certification. The motion was seconded by Mr. Ahler (AAG) and passed with one nay vote recorded for Colonel Milstead.

3. #18-150 – Ricardo Flores Jr. – Phoenix Police Department  
The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Colonel Milstead made a motion to **Initiate Proceedings** (for denial of peace officer certification). The motion was seconded by Chief Rodbell and passed unanimously.
4. #18-158 – Adolfo Gonzalez – Phoenix Police Department  
*Chief Rodbell recused himself from this case.* The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Director Ryan made a motion to **Initiate Proceedings** against Mr. Gonzalez’s peace officer certification. The motion was seconded by Ms. Kelly and passed unanimously.
5. #18-152 – Levi W. Leeder – Phoenix Police Department  
The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Chief Rodbell made a motion **Initiate Proceedings** (for denial of peace officer certification). The motion was seconded by Officer Medina and passed with one nay vote recorded for Colonel Milstead.
6. #18-145 – Alex M. Moggel – Phoenix Police Department  
The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Mr. Ahler (AAG) made a motion to close this case with **No Action with Agency Discretion**. The motion was seconded by Colonel Milstead and passed unanimously.
7. #18-130 – Chris F. Tiona – Phoenix Police Department  
The Board considered comments from Compliance Specialist Steve Jacobs, who provided a brief overview of the case. Chief Rodbell made a motion to **Initiate Proceedings** against Mr. Tiona’s peace officer certification. The motion was seconded by Director Ryan and passed unanimously.
8. #18-067 – Gabriel R. Guerrero – Globe Police Department  
The Board considered comments from Compliance Specialist Lori Wait, who provided a brief overview of the case. Officer Medina made a motion to **Initiate Proceedings** against Mr. Guerrero’s peace officer certification. The motion was seconded by Chief Rodbell and passed unanimously.

**L. Call to the Public**

Steven Serbalik addressed the Board. He is an attorney who represents officers that come before the Board. He asked that the Board consider what the impact is when it initiates proceedings against an officer’s certification. There is a financial impact because some cases take years to resolve; the officer is then frozen from employment because very few agencies will hire someone while their case is under POST review.

**M. Future Agenda Items**

There are no items to add.

**N. Adjournment**

The meeting was adjourned at 11:13 a.m.